

EXHIBIT A

(State Court Documents)

VAUX MARSCHER BERGLIND

A SOUTH CAROLINA PROFESSIONAL ASSOCIATION

WILLIAM F. MARSCHER, III
MARK S. BERGLIND
ROBERTS "TABOR" VAUX, JR.
STEPHEN MEYER*

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE BOX 769 (MAILING)
1251 MAY RIVER ROAD (PHYSICAL)
BLUFFTON, SOUTH CAROLINA 29910
843.757.2888 (OFFICE)
843.757.2889 (FAX)

ROBERTS VAUX
ANTONIA LUCIA, SC & NY
JAMES P. SCHEIDER, JR. **
VICTORIA I. TUTEN

*CERTIFIED FAMILY
COURT MEDIATOR (SC)
** OF COUNSEL

Leslie.vaughan@vmblawfirm.com

August 19, 2022

Via Certified Mail, Return Receipt Requested, Restricted Delivery

Lowe's Home Centers, LLC
c/o Corporation Service Company, Registered Agent
508 Meeting Street
West Columbia, SC 29169

Re: Michele Herrera v. Lowe's Home Centers, LLC
Civil Action No.: 2022-CP-18-01284

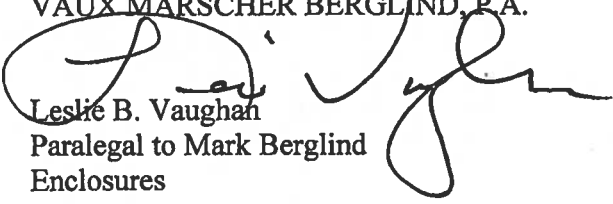
Dear Sir/Madame,

Regarding the referenced matter, please find enclosed for service on the Defendant Lowe's Home Centers, LLC, a copy of the filed Summons and Complaint, Plaintiff's First Set of Interrogatories to Defendant, and Plaintiff's First Request for Production to Defendant.

If you have any questions or concerns, feel free to contact our office.

Sincerely,

VAUX MARSCHER BERGLIND, P.A.


Leslie B. Vaughan
Paralegal to Mark Berglind
Enclosures

OTHER OFFICE:

16 WILLIAM POPE DRIVE, SUITE 202
BLUFFTON, SOUTH CAROLINA 29909
(843) 705-2888 (OFFICE)
(843) 705-2889 (FAX)

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STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

MICHELE HERRERA,

Plaintiff,

v.

LOWE'S HOME CENTERS, LLC,

Defendant.

) IN THE COURT OF COMMON PLEAS

) 1st JUDICIAL CIRCUIT

) CIVIL ACTION NO.:

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SUMMONS

Jury Trial Demanded

TO: THE DEFENDANT LOWE'S HOME CENTERS, LLC.:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint on the subscriber at: **Physical Address:** 1251 May River Road, Bluffton, South Carolina 29910 or **Mailing Address:** P.O. Box 769, Bluffton, South Carolina 29910 within thirty (30) days after service thereof, exclusive of the day of such service, and if you fail to appear and defend against the said action then judgment by default will be rendered against you for the relief demanded in the Complaint.

VAUX MARSCHER BERGLIND, P.A.

By: S/ MARK S. BERGLIND

Attorneys for the Plaintiff

Mark S. Berglind, SC Bar No. 74839 – Fed. No. 9859

Post Office Box 769

Bluffton, South Carolina 29910

Telephone 843-757-2888

Facsimile 843-757-2889

August 17, 2022
Bluffton, South Carolina

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	1 st JUDICIAL CIRCUIT
COUNTY OF DORCHESTER)	CIVIL ACTION NO.:
)	
MICHELE HERRERA,)	
)	
Plaintiff,)	<u>COMPLAINT</u>
)	(Jury Trial Demanded)
vs.)	
)	
LOWE'S HOME CENTERS, LLC,)	
)	
Defendant.)	
_____)	

The Plaintiff, complaining of the Defendant, alleges and would show unto this Court the following:

1. At all times pertinent hereto the Plaintiff Michele Herrera (hereinafter "Plaintiff") was a citizen and resident of Dorchester County, South Carolina.
2. Defendant Lowe's Home Centers, LLC (hereinafter "Lowe's" or "Defendant") is a foreign corporation, and conducting a substantial amount of business in the State of South Carolina and in particular, Dorchester County, South Carolina.
3. The allegations complained of occurred in Dorchester County, South Carolina and in the Defendant's store located in Dorchester County.
4. This Court has jurisdiction over the subject matter and parties to this action.
5. That on or about May 7, 2021, the Plaintiff was shopping at the Defendant's place of business in Summerville, South Carolina.
6. That on or about May 7, 2021, Plaintiff was walking down the lumbar aisle at Defendant's store.
7. That there was an unsecured piece of lumbar that fell and struck the Plaintiff's face resulting in personal injuries and pain and suffering.

8. The incident caused the Plaintiff severe and permanent personal injuries and pain and suffering.
9. That the incident suffered by the Plaintiff was a direct and proximate result of the negligence and/or gross negligence of the Defendant in that the Defendant had actual knowledge of and/or should have known of the piece of unsecured lumber and took no action to either remove the lumber or warn the Plaintiff or other patrons of the hazardous condition of the property.
10. That it is foreseeable that the Plaintiff and other patrons would encounter a piece of lumber in the lumber aisle of the store, and that unsecured lumber is a hazard to patrons.
11. That the Plaintiff was injured in the incident and as a direct a result thereof she was forced to seek medical attention to attend to the injuries suffered, which said injuries were proximately caused by the incident.
12. That the Plaintiff suffered extreme pain and incurred costs and expenses for medical care, medications, treatment, surgery, which pain and condition continue to this time, as well as future medical costs.

FOR A FIRST CAUSE OF ACTION
(Negligence/Gross Negligence)

13. Each and every allegation set forth above is fully incorporated herein.
14. The Defendant had a duty of care to maintain the premises, discover risks and take safety precautions to warn of or eliminate risks.
15. The Defendant breached its duty of care by creating the hazard and failing to warn the Plaintiff of the unsecured lumber in the lumber aisle of the store.

16. As a direct and proximate result of the Defendant's conduct the Plaintiff suffered extreme pain and incurred costs and expenses for medical care, medications, treatment, which pain and condition continue to this time.

17. That the Plaintiff suffered great physical harm and injury, all of which caused her to sustain much suffering and caused her to spend money for medical services, and she is informed and believes that she will suffer future pain and suffering and permanent injuries, as well as future medical costs.

WHEREFORE, Plaintiff prays for an Order of this Court awarding her actual and punitive damages in an amount determined by a jury and for such further relief as this Honorable Court deems just and appropriate.

FOR A SECOND CAUSE OF ACTION
(Premises Liability)

18. Each and every allegation set forth above is fully incorporated herein.

19. The Defendant had actual knowledge of or should have known of the unreasonable risk presented by the piece of unsecured lumber and failed to eliminate it or warn of the unreasonable risk.

20. The Plaintiff was an invitee to the Defendant's premises and the Defendant breached its duty of due care to discover risks and take safety precautions to warn of or eliminate unreasonable risks.

21. That it was reasonably foreseeable the Plaintiff and other invitees would encounter the piece of unsecured lumber and that it would cause injury to them.

22. As a direct and proximate result of the Defendant's conduct, the Plaintiff suffered extreme pain and incurred costs and expenses for medical care.

23. That the Plaintiff suffered great physical harm and injury, all of which caused her to sustain much suffering and caused her to spend money for medical services, and she is informed and believes that she will suffer future pain and suffering and permanent injuries, as well as future medical costs.

WHEREFORE, Plaintiff prays for an Order of this Court awarding her actual and punitive damages in an amount determined by a jury and for such further relief as this Honorable Court deems just and appropriate.

VAUX MARSCHER BERGLIND, P.A.

By: S/MARK S. BERGLIND
Attorneys for the Plaintiff
Mark S. Berglind, SC Bar No. 74839 – Fed. No. 9859
Post Office Box 769
Bluffton, South Carolina 29910
Telephone 843-757-2888
Facsimile 843-757-2889

August 17, 2022
Bluffton, South Carolina 29910



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AUG 19 2022

Vaux Marcher Berglind, P.A..
P.O. Box 769
1251 May River Road
Bluffton, SC 29910

Via Certified Mail, Return Receipt Requested.
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